

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

LARRY GILLASPY and CONNIE SCORZA,  
individually and as Husband and Wife;  
RAYMOND G. VAUGHAN and VICKIE VAUGHAN,  
individually and as Husband and Wife,

Plaintiffs,

v.

No. CIV-06-284 MV-CG

TOWN OF SILVER CITY; STATE OF NEW MEXICO,  
REGULATION AND LICENSING DEPARTMENT,  
CONSTRUCTION INDUSTRIES DIVISION;  
WILLIAM R. HANKINS; MOGOLLON CORP.;  
VIC TOPMILLER; SUN MOUNTAIN AMERICA, INC.;  
CAROL THOMPSON dba THOMPSON REALTY/CENTURY 21;  
ROBERT M. ROWLAND; and DOES 1 through 50, inclusive,

Defendants.

**MEMORANDUM OPINION AND ORDER**

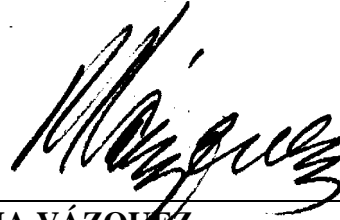
**THIS MATTER** comes before the Court on Plaintiff's Rule 11 Motion for Sanctions against Defendant, State of New Mexico (Doc. No. 172, filed April 26, 2007, "Motion").

Plaintiffs seek Rule 11 sanctions against Defendant State of New Mexico because "Plaintiffs have been deluged with an onslaught of motion work by Defendant, State of New Mexico, that is largely frivolous, specious, inaccurate, conclusory, or some combination thereof." (Motion at 2). Defendant State of New Mexico contends, and Plaintiffs admit, that Plaintiffs did not provide Defendant State of New Mexico with a copy of their motion for sanctions during the 21-day safe harbor period prior to filing their motion, as required by Rule 11. (Response at 2-3, Doc. No. 181, filed May 9, 2007; Reply at 2, Doc. No. 196, filed May 29, 2007). Rule 11 provides that a motion for Rule 11 sanctions "shall not be filed with . . . the court unless, within 21 days after service of the

motion . . . the challenged paper . . . is not withdrawn or appropriately corrected.” Fed. R. Civ. P. 11(c)(1)(A). The Court will, therefore, deny Plaintiffs’ Rule 11 Motion for Sanctions against Defendant, State of New Mexico (Doc. No. 172, filed April 26, 2007).

**IT IS SO ORDERED.**

Dated this 5th day of June, 2007.



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**MARTHA VÁZQUEZ**  
**CHIEF UNITED STATES DISTRICT JUDGE**

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